

Article - Criminal Law

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§10–133.

(a) A person who violates § 10–132 of this part shall be issued a citation under this section.

(b) A citation for a violation of § 10–132 of this part may be issued by:

(1) a police officer authorized to make arrests; and

(2) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) of the Natural Resources Article.

(c) A person authorized under this section to issue a citation shall issue the citation if the person has probable cause to believe that the person charged is committing or has committed a violation of § 10–132 of this part.

(d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult for a violation of § 10–132 of this part shall be as prescribed by the District Court and shall be uniform throughout the State.

(2) The citation issued to an adult shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

(iii) the location, date, and time that the violation occurred;

(iv) the fine that may be imposed;

(v) a notice stating that prepayment of the fine is not allowed;

(vi) a notice that the District Court shall promptly send to the person charged a summons to appear for trial;

(vii) the signature of the person issuing the citation; and

(viii) a space for the person charged to sign the citation.

(3) The form of citation issued to a minor shall:

(i) be prescribed by the State Court Administrator;

(ii) be uniform throughout the State; and

(iii) contain the information listed in § 3–8A–33(b) of the Courts Article.

(e) (1) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(2) The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(3) Willful failure of the defendant to respond to a summons described in paragraph (2) of this subsection is contempt of court.

(f) (1) For purposes of this section, a violation of § 10–132 of this part is a Code violation and is a civil offense.

(2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.

(4) Adjudication of a Code violation under § 10–132 of this part is not a criminal conviction for any purpose and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation under § 10–132 of this part:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes;

(2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, or to testify on the defendant's own behalf, if the defendant chooses to do so;

(5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) If the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) for a first violation, a fine not exceeding \$500; or

(ii) for a second or subsequent violation, a fine not exceeding \$1,000.

(2) The Chief Judge of the District Court may not establish a schedule for the prepayment of fines for a violation under § 10-132 of this part.

(i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:

(1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and

(2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

(2) The court costs in a Code violation case under § 10–132 of this part in which costs are imposed are \$5.

(k) (1) A defendant who has been found guilty of a Code violation under § 10–132 of this part has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

(2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion, has the same authority provided in the trial of criminal cases.

(l) (1) The State’s Attorney for any county may prosecute a Code violation under § 10–132 of this part in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under § 10–132 of this part, the State’s Attorney may:

(i) enter a nolle prosequi in or place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

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